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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,441	11/20/2003	Rick E. Bollenbacher	BOC9-2003-0084 (452)	9839
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER WIENER, ERIC A	
			ART UNIT	PAPER NUMBER
			2179	
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			02/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,441	Applicant(s) BOLLENBACHER ET AL.	
	Examiner Eric Wiener	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2008 has been entered.

2. Claims 1 – 4, 8, and 9 are pending. Claim 1 is the independent claim. Claim 1 is the amended claim. Claims 5 – 7 and 10 – 20 have been cancelled. Claims 1 – 4, 8, and 9 have been rejected by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Xia et al. (US 6,252,594).

As per independent claim 1, Xia discloses *a method for indicating that a content page is scrollable comprising:*

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- *displaying at least a portion of a content page within a display area of a graphical user interface (GUI), wherein said displayed portion of said content page occupies all of said display area (column 5, lines 4 – 7);*
- *determining whether the displayed content page is scrollable in at least one direction (column 5, lines 9 – 10 and column 6, lines 41 – 47);*
- *responsive to said determination, displaying at least one flyover within said display area to indicate said at least one direction in which said displayed content page is scrollable, wherein said at least one displayed flyover is a GUI object independent of said displayed content page and not part of the displayed content, wherein said at least one displayed flyover overlaps at least one among text content and image content shown in said displayed portion of said content page, and wherein said at least one displayed flyover is configured to occlude the at least one among text content and image content of the overlapped portion of said displayed portion of said content page (column 5, lines 4 – 40); and*
- *detecting an occurrence of a flyover-close event, and, responsive to said detection, discontinuing the display of at least one flyover (column 5, lines 21 – 25).*

As per claim 2, and taking into account the rejection of claim 1, Xia further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a vertical direction, displaying a vertical flyover (column 4, lines 56 – 65).*

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As per claim 3, and taking into account the rejection of claim 1, Xia further discloses that *said displaying at least one flyover step further comprises the step of: responsive to determining that said displayed content page is scrollable in a horizontal direction, displaying a horizontal flyover* (column 4, lines 56 – 65).

As per claim 4, and taking into account the rejection of claim 1, Xia further discloses *scrolling said displayed content page in said at least one scrollable direction, wherein a position of said at least one flyover remains fixed during said scrolling step* (column 7, line 51 – column 8, line 24), wherein it the fact that a “user is... allowed to dock... scrolling related GUI components” sufficiently corresponds to an ability of ensuring that a position of such GUI components serving as flyovers remain fixed during scrolling.

As per claim 8, and taking into account the rejection of claim 1, Xia further discloses that *at least one among an appearance, a position, and a behavior of said at least one flyover is customized using a configuration editor* (column 5, line 65 – column 6, line 19 and column 7, lines 51 – 61).

As per claims 9, and taking into account the rejection of claim 1, Xia further discloses that *said at least one flyover is implemented on an operating system level as a generic GUI object* (column 4, lines 40 – 53 and column 9, lines 36 – 48).

Response to Arguments

5. Applicant’s arguments filed on 12/30/2008 have been fully considered, but they are not persuasive.

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6. The Applicant has argued that Xia does not disclose that “the ‘flyover’ as defined in the present invention explicitly alerts the user of hidden content which can be scrolled and in which direction the screen can be scrolled.”

The Examiner respectfully disagrees. In response to this argument, please refer to Xia, column 5, line 13 – 15 and column 6, lines 41 – 47, which discloses alerting a user of hidden content and also indicating the portion of the hidden content not displayed, which thus serves to indicate the direction that the screen can be scrolled to display the hidden content.

7. The Applicant has argued that Xia does not disclose "a means for providing explicit scroll status in a dynamic ‘flyover’ window which overlaps the viewable content, and should therefore always be applicable.”

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “should therefore always be applicable”) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. The Applicant has argued that Xia does not disclose "“responsive to said determination, displaying at least one flyover within said display area to indicate said at least one direction in which said displayed content page is scrollable,..., wherein said at least one displayed flyover is configured to occlude the at least one among text content and image content of the overlapped

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portion of said displayed portion of said content page,' as recited in Claim 1 of the instant application.”

The Examiner respectfully disagrees. In response to this argument, please refer to Xia, column 5, line 4 – 40, which discloses these claimed features.

Conclusion

9. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

10. *The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art. Newly cited art of particular importance includes, but is not limited to:*

- *Wagner (US 6,570,594 B1), column 5, line 40 – column 6, line 10*
- *Cline et al. (US 6,069,626), column 4, line 18 – column 5, line 37*
- *Crosby et al. (US 6,366,302 B1), column 5, lines 7 – 19, 61 – 67 and column 6, lines 8 – 20*
- *Berstis et al. (US 5,896,132), column 5, line 46 – column 7, line 36*
- *Ogawa et al. (US 6,529,218 B2), column 1, lines 10 – 13, 49 – 53*

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11. This is an amendment to applicant's earlier Application No.10/718,441. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric A Wiener/
Examiner, Art Unit 2179

/Ba Huynh/
Primary Examiner, Art Unit 2179